

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL BROWN, on Behalf of Himself  
and Others Similarly Situated,

05-CV-5442 (SAS)

Plaintiff,

– against –

**NOTICE OF MOTION**

RAYMOND W. KELLY, Commissioner of the  
New York City Police Department (NYPD); et al.,


Defendants.  
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PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Plaintiff's Motion Attorneys' Fees, the Declaration of Matthew D. Brinckerhoff, dated June 20, 2007, the Declaration of J. McGregor Smyth, Jr., dated June 20, 2007, the Declaration of Robert L. Herbst, dated June 20, 2007 and the exhibits annexed thereto, and upon all prior pleadings, Plaintiff Michael Brown, by his counsel Emery Celli Brinckerhoff & Abady LLP and The Bronx Defenders, will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, before the Honorable Shira A. Scheindlin, United States District Judge, for an Order:

1. Awarding plaintiff attorneys' incurred in connection with monitoring and seeking compliance with the Court's orders directing defendants to cease enforcement of New York Penal Law § 240.35(1);
2. Awarding attorneys' fees and costs for this motion; and
3. For such other and further relief as may be just and proper.

Dated: June 20, 2007  
New York, New York

EMERY CELLI BRINCKERHOFF &  
ABADY LLP

By:   
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*Attorneys for Plaintiff and the putative class*